

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**ERNESTINE GREEN, ET AL.,**

**CIVIL ACTION NO. 04-697**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**SHERIFF RICHARD FEWELL, ET AL.**

**MAG. JUDGE JAMES D. KIRK**

**ORDER**

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and in this Court's ruling, and after an independent review of the entire record and the written objections filed herein, and concurring with the Magistrate Judge's findings under the applicable law,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants Sheriff Richard Fewell and Dale Chelette's Motion for Summary Judgment on Plaintiff Chenell Powell's § 1983 claim against Chellette [Doc. No. 28] is DENIED.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment on Plaintiff's § 1983 claim against Fewell in his official capacity is DENIED.

MONROE, LOUISIANA this 30<sup>th</sup> day of January, 2006.

  
\_\_\_\_\_  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE